

ENTERED

April 24, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**DWIGHT BRIGGS, *et al.*,

Plaintiffs.

V.

ENDOLOGIX, INC., *et al.*,

Defendants.

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3:22-cv-00290

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**


On January 5, 2023, all pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 31. Judge Edison filed a memorandum and recommendation on March 30, 2023, recommending that the defendants' motion to dismiss (Dkt. 30) be granted. Dkt. 36.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 36) is approved and adopted in its entirety as the holding of the court; and
- (2) The defendants' motion to dismiss (Dkt. 30) is granted.

SIGNED on Galveston Island this 24th day of April 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE